

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of the Office of Financial and Insurance Services

In the Matter of:

Gabin Hertz.

Enforcement Case No. 05-3564

Issued and Entered,
This 12th day of March, 2007,
By Richard D. Lavolette,
Chief Deputy Commissioner

**CONSENT ORDER OF PROHIBITION PURSUANT TO SECTION 18a OF THE
MORTGAGE BROKERS, LENDERS, AND SERVICERS LICENSING ACT**

WHEREAS, based upon information derived from the exercise of its regulatory responsibilities and a thorough review of pertinent mortgage documents obtained therewith, the Office of Financial and Insurance Services ("OFIS") has good cause and reason to believe that, GABIN HERTZ ("HERTZ"), former employee and loan officer of Major Mortgage Corporation ("MAJOR MORTGAGE"), a company formerly licensed by OFIS pursuant to the Mortgage Brokers, Lenders, and Servicers Licensing Act ("MBLSLA"), 1987 PA 173, as amended, MCL 445.1651 *et seq.*, has engaged in activities and practices in connection with residential mortgage loans in the State of Michigan which constitute grounds to initiate an administrative prohibition proceeding against him, pursuant to MCL 445.1668a; and,

WHEREAS, the OFIS has served a notice of the charges upon HERTZ; and,

WHEREAS, HERTZ desires to cooperate with the OFIS and to avoid the time and expense of such administrative prohibition proceeding; and,


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WHEREAS, by affixing his signature to the attached VOLUNTARY CONSENT TO ENTRY OF CHIEF DEPUTY COMMISSIONER'S ORDER OF PROHIBITION, incorporated herein by this reference, HERTZ has consented, without adjudication of the merits and without admitting that such grounds exist, to the issuance of this CONSENT ORDER OF PROHIBITION ("Order") by the chief deputy commissioner of the OFIS with the intent to be legally bound hereby, and has agreed to comply with each and every provision of this Order, and has waived and relinquished any and all rights he may now or hereafter have (a) to a hearing pursuant to MCL 445.1668a(2) for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (b) to obtain judicial review of this Order or any provision hereof, including, without limitation, any such right provided by MCL 24.301 or otherwise; and (c) to challenge or contest in any matter the basis, issuance, validity, effectiveness, collectibility or enforceability of this Order or any provision hereof.

NOW, THEREFORE, prior to taking any testimony or adjudication of or finding on any issue of fact or law herein, and without this Order constituting an admission by HERTZ of any allegation made or implied by the OFIS in connection with this proceeding, and solely for the purposes of settlement of this proceeding without protracted or extended hearing or testimony:

IT IS HEREBY ORDERED, pursuant to Section 18a of the MBLSLA, MCL 445.1668a, that:

1. HERTZ is hereby and henceforth prohibited from being employed by, an agent of, or control person of a licensee or registrant under the Mortgage Brokers, Lenders, and Servicers Licensing Act ("MBLSLA"), 1987 PA 173, as amended, MCL 445.1651 *et seq.*, or a licensee or registrant under a financial licensing act.

2. Any violation of this Order shall separately subject HERTZ to appropriate criminal penalties under Section 18d of the MBLSLA, MCL 445.1668d.

3. HERTZ shall promptly respond to any request from the OFIS for documents, testimony, and other requests for information that the OFIS requests to demonstrate to the satisfaction of the commissioner that HERTZ is in full compliance with this Order.

4. This Order is for the purpose of resolving any and all enforcement


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actions, which may have been or could have been brought by OFIS under the MBLSLA as of the date of this Order. The provisions of this Order does not otherwise release, discharge, compromise, settle, dismiss, resolve, or in any way affect any other actions, charges against, or liability of HERTZ that may hereafter arise pursuant to this action, or that may be or have been brought by any other governmental entity based upon the underlying facts and circumstances hereof.

5. This Order shall be and is effective and enforceable on the date it is issued, as shown in the caption hereof.

6. This Order shall remain effective and enforceable until terminated, modified, set aside, or suspended in writing by the commissioner.

IT IS SO ORDERED.

**OFFICE OF FINANCIAL AND
INSURANCE SERVICES**

By: 
Richard D. Lavolette,
Chief Deputy Commissioner


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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

Before the Commissioner of the Office of Financial and Insurance Services

In the Matter of:

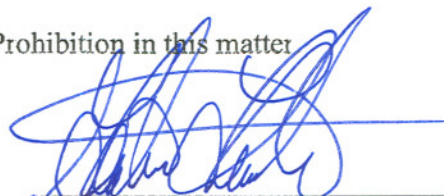
Gabin Hertz.

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VOLUNTARY CONSENT TO ENTRY OF CHIEF DEPUTY COMMISSIONER'S
ORDER OF PROHIBITION

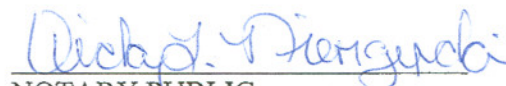
I, GABIN HERTZ, with the intent to be legally bound, hereby knowingly and voluntarily consent to the attached chief deputy commissioner's Order of Prohibition in this matter, and further, in consideration of the terms and conditions set forth therein, also voluntarily waive and give up any and all right that I may now or hereafter have to administrative or judicial review concerning, or otherwise challenge or contest, the entry of the attached chief deputy commissioner's Order of Prohibition in this matter.

3/6/07
DATED


GABIN HERTZ

Subscribed and sworn to before me on this 6th day of ~~February~~, 2007
March

VICKY L. NIEMCZYCKI
Notary Public, State of Michigan
County of Oakland
My Commission Expires Aug. 23, 2011
Acting in the County of Oakland


NOTARY PUBLIC
In and for the County of _____
Michigan
My commission expires _____